

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TABATHA FOSTER,

Plaintiff,

-against-

NEW YORK DAILY NEWS, THOMAS TRACY,
LARRY McSHANE, JOHN ANNESE, LEONARD
GREENE, and JOHN MARZULLI,

Defendants.

No. 1:22-cv-02934-LDH-LB

**DECLARATION OF
MATTHEW A. LEISH IN
SUPPORT OF MOTION TO
DISMISS**

MATTHEW A. LEISH declares pursuant to 28 U.S.C. §1746 as follows:

1. I am a partner with the firm of Miller Korzenik Sommers Rayman LLP, counsel for Defendants in this action. I make this Declaration on personal knowledge for the purpose of submitting certain judicial documents in support of Defendants' Motion to Dismiss.

2. Annexed hereto as Exhibit 1 is a true and correct copy of the operative (Second) Amended Complaint in this action.

3. Annexed hereto as Exhibit 2 is a true and correct copy of the Complaint in Foster v. City of New York et al., No. 1:16-CV-06859-AMD-RER (E.D.N.Y. 2016).

4. Annexed hereto as Exhibit 3 is a true and correct copy of excerpts from the March 8, 2018 deposition of Plaintiff Tabatha Foster in Foster v. City of New York, as subsequently filed at docket number 55 in her separate action in New York state court, Foster v. City of New York, Index No. 157448/2019 (Sup. Ct. N.Y. Co.).

5. Annexed hereto as Exhibit 4 is a true and correct copy of Exhibit Q to the March 8, 2018 deposition of Plaintiff Tabatha Foster as subsequently filed at docket number 55-19 in the federal court action Foster v. City of New York (E.D.N.Y.)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 6, 2023.

A handwritten signature in black ink, appearing to read "Matthew A. Leish", written in a cursive style.

MATTHEW A. LEISH